

MT LEGISLATIVE HISTORY

15 pgs

Chapter 83 1989

Bill (H) 5 S _____

Original bill & hist. ☒ C

(1st page)

H. Committee on State Administration

S. Committee on Judiciary

Hearing Date(s) Jan 09 ☒ C

Hearing Date(s) Feb 28 ☒ C

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_____ ☐ C

Date Out Jan 09 ☒ C

Feb 28 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE BILL NO. 5
INTRODUCED BY EUDAILY
BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

DECEMBER 30, 1988	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 2, 1989	FIRST READING.
JANUARY 10, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 11, 1989	PRINTING REPORT.
JANUARY 12, 1989	SECOND READING, DO PASS.
JANUARY 13, 1989	ENGROSSING REPORT.
JANUARY 14, 1989	THIRD READING, PASSED. AYES, 96; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 28, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 2, 1989	SECOND READING, CONCURRED IN.
MARCH 4, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 4, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 5
2 INTRODUCED BY EUDAILY
3 BY REQUEST OF THE CODE COMMISSIONER
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE MONTANA CODE ANNOTATED; AND DIRECTING THE CODE
7 COMMISSIONER TO CLARIFY ERRONEOUS REFERENCES CONTAINED IN
8 MATERIAL ENACTED BY THE 51ST LEGISLATURE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 1-11-301, MCA, is amended to read:
12 "1-11-301. Publication and sale of Montana Code
13 Annotated -- free distribution. (1) The legislative council
14 with the advice of the code commissioner shall decide on the
15 quantity, quality, style, format, and grade of all
16 publications prior to having the code commissioner call for
17 bids for the printing and binding and contract for their
18 publication. The code commissioner shall follow the
19 requirements of state law relating to contracts and bids,
20 except as herein provided.
21 (2) The methods of sale to the public of the Montana
22 Code Annotated and supplements or other subsequent and
23 ancillary publications thereto may be included as an
24 alternative specification and bid and as a part of a
25 contract to be let by bids by the code commissioner.

1 (3) The sales price to the public shall be fixed by
2 the legislative council but may not exceed the cost price
3 plus 20%. All revenues generated from the sale of the
4 Montana Code Annotated or ancillary publications shall be
5 deposited in the state special revenue fund, from which fund
6 appropriations may be made for the use of the office and
7 facilities of the legislative council under this chapter.
8 (4) Sets of the Montana Code Annotated purchased by
9 the state or Montana local governmental agencies that are
10 supported by public funds shall be for the cost price of the
11 sets.
12 (5) (a) The Montana Code Annotated and supplements and
13 other subsequent and ancillary publications except
14 annotations shall be provided at no cost to the following:
15 (i) each library designated as a depository library
16 under 22-1-214, one copy;
17 (ii) each library designated as a federation
18 headquarters library under 22-1-402, one copy.
19 (b) The state law library in Helena shall be provided
20 with four copies of the Montana Code Annotated and
21 supplements including annotations and other subsequent and
22 ancillary publications.
23 (c) The legislative council shall include in the cost
24 price of the code the cost of providing the copies under
25 this subsection."



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INTRODUCED BILL
HB 5

This bill is more than 100 pages
long.

Closing by Sponsor: None

DISPOSITION OF HB 43

Motion: Rep. Campbell moved HB 43 DO PASS, seconded by Rep. Compton.

Discussion: The committee further discussed the merits of only have one facsimile stamp. It was decided not to amend the bill and let each legislator that used the stamp be responsible for its use.

Amendments and Votes: None

Recommendation and Vote: The motion passed unanimously.

HEARING ON HB 5

Presentation and Opening Statement by Sponsor: Rep. Eudaily stated that this bill is known as the "Code Commissioner's Bill." The bill is mostly a housekeeping one, that took care of dotting the "i's", crossing the "t's" and deleting sections that are no longer relevant in the codes. Since only legislators can make a change in the codes, any error or obsolete section cannot be changed or removed without their approval. He noted that the green sheet serves as a guide describing the statutory changes in the bill. He gave a few examples of the types of revisions made in the bill (i.e., re-outlining, correcting erroneous references, deleting dated material).

List of Testifying Proponents and What Group They Represent:

Greg Petesch, Code Commissioner

List of Testifying Opponents and What Group They Represent:

None

Testimony:

GREG PETESCH, Code Commissioner, explained that the changes in the bill are nonsubstantive. He said that section 83 is new this session. This section allows the Commissioner to correct erroneous references in bills enacted by the 51st Legislature. This will reduce the size of this bill in future sessions resulting in cost reduction on printing. He also noted that the Dept. of Family Services had some concern about

HOUSE COMMITTEE ON STATE ADMINISTRATION

January 9, 1989

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the revision made in section 62. Mr. Petesch said that he does not believe that the change will eliminate any services to county welfare departments.

Questions From Committee Members: None

Closing by Sponsor: Rep. Eudaily said he had no further comments to make.

DISPOSITION OF HB 5

MOTION: Rep. O'Connell moved DO PASS, Rep. Compton seconded the motion.

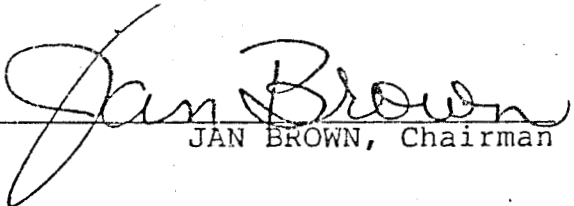
Discussion: None

Amendments and Votes: None

Recommendation and Vote: The motion passed unanimously.

ADJOURNMENT

Adjournment At: 10:30 a.m.


JAN BROWN, Chairman

JB/jb

0714.min

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 28, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Senators Tom Beck, Bob Brown, John Harp, Mike Halligan, Loren Jenkins, Joe Mazurek, R. J. Pinsoneault and Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: There were none.

HEARING ON HOUSE BILL 5

Presentation and Opening Statement by Sponsor:

Representative Eudaily was unable to be present for the hearing. William Mutch, legislative intern for Senator Crippen, opened the hearing reading a prepared statement to the committee (Exhibit 1).

List of Testifying Proponents and What Group they Represent:

Greg Petesch, Legislative Council

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Greg Petesch explained the reason for Section 83. In preparing the bill for this session as code commissioner, he said, he ran across Section I, 11-101-2 (g) ii which said: "Given specific instructions by another bill, the code commissioner may correct

inaccurate or obsolete sections to other code references." The code commissioner bill seemed to be the perfect vehicle for making that correction so that, if any inaccurate or obsolete sections are added by this session of the legislature, they can be corrected without having to go through the code commissioner procedure next session. There are 13 sections in House Bill 5 which do no more than correct inaccurate or obsolete references, he said, so in the future, there should be a shortened code commissioner bill. He called attention to Sec. 82 as an example, which took 5 pages, but was simply a correction of "inaccurate or obsolete references."

Questions From Committee Members: Senator Crippen asked if the bill broadened the authority of the Code Commissioner. Greg Petesch said the authority had existed before but had never been implemented before. No one ever knew of its existence.

Closing by Sponsor: Mr. Mutch, acting in behalf of Senator Crippen co-sponsor, closed the hearing.

DISPOSITION OF HOUSE BILL 5

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Mazurek MOVED that HB 5 DO PASS. The MOTION CARRIED UNANIMOUSLY. Senator Yellowtail agreed to carry the bill on the floor of the Senate.

HEARING ON HOUSE BILL 122

Presentation and Opening Statement by Sponsor:

Representative Gary Spaeth of Joliet, District 84, opened the hearing. He said the bill was in response to a 1988 U. S. Supreme Court case entitled Tulsa Professional Collection Services versus Pope, an executor of an estate. The Oklahoma Uniform Probate Code is similar to Montana's in giving creditors notice and creditors having 2 months to respond as far as submitting a claim, he said. That is basically a statute of limitations. The decision held that the statute was not a self-executing statute of

ROLL CALLJUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-28-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 28, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration
HB 5 (third reading copy -- blue), respectfully report that HB 5
be concurred in.

Sponsor: Hudaily (Yellowtail)

BE CONCURRED IN

Signed: _____
Bruce B. CLEVEN, Chairman

4/11/89
2/28/89
J. P. M.

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 2-28-89

BILL NO. HB 5

Mr. Chairman and members of the Judiciary Committee:

For the record, my name is William Mutch, and my address is 2032 N. Sanders. I am here today to introduce House Bill #5. House Bill 5 is the Code Commissioner's bill. A code commissioner's bills purpose, as I'm sure you are aware, is to clarify the Montana Code. This bill basically ends ambiguous and sometimes confusing language and references.

After carefully reading house bill 5, it is the opinion of Valencia Lane, the staff attorney, and I that house bill 5 contains only clarification. No changes included within House Bill five will change the meaning or application of Montana Law.

There are two things about House Bill #5 I wish to draw your attention to. There is a typographical error in section 79 of the green instruction section. The sentence reading: and substitutes license for licenses to reflect that change, actually should be included in section 80. This error is only in the instructions, and does not effect the draft of the bill. For this reason no amendment is necessary to correct this problem.

Section 83 deals with a brand new change in procedure for the code commissioner. It has never been included in a Code Commissioner's bill before. At this time I would like to have Greg Petesch, the Code Commissioner, explain this section in greater detail.

VISITORS' REGISTER

COMMITTEE

ABS

2-28-89

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date January 9, 1988

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		✓
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake			✓
Rep. Timothy Whalen	✓		
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth			✓
Rep. Wilbur Spring, Jr.			

STANDING COMMITTEE REPORT

January 9, 1989

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Mr. Speaker: We, the committee on State Administration report
that House Bill 5 (first reading copy -- white) do pass.

Signed: _____

Jan Brown
Jan Brown, Chairman